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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2011-692

13 **JONI LYNN LOOMIS,**
aka JONI WISHON, aka JONI SAYLOR
14 1180 Afton Street
Pasadena, CA 91103

A C C U S A T I O N

15 **Registered Nurse License No. RN 393640**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about December 31, 1985, the Board of Registered Nursing (Board) issued
24 Registered Nurse License No. 393640 to Joni Lynn Loomis aka Joni Wishon aka Joni Saylor
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on January 31, 2012, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board, under the authority of the following

1 laws. All section references are to the Business and Professions Code unless otherwise indicated.

2 **STATUTORY PROVISIONS**

3 4. Section 490 states:

4 “(a) In addition to any other action that a board is permitted to take against a licensee, a
5 board may suspend or revoke a license on the ground that the licensee has been convicted of a
6 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
7 or profession for which the license was issued.

8 “(b) Notwithstanding any other provision of law, a board may exercise any authority to
9 discipline a licensee for conviction of a crime that is independent of the authority granted under
10 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
11 of the business or profession for which the licensee's license was issued.

12 “(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
13 conviction following a plea of nolo contendere. Any action that a board is permitted to take
14 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
15 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
16 made suspending the imposition of sentence, irrespective of a subsequent order under the
17 provisions of Section 1203.4 of the Penal Code.”

18 5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee,
19 including a licensee holding a temporary or an inactive license, for any reason provided in Article
20 3 (commencing with section 2750) of the Nursing Practice Act.

21 6. Section 2761 states:

22 “The board may take disciplinary action against a certified or licensed nurse or deny an
23 application for a certificate or license for any of the following:

24 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

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26 “(f) Conviction of a felony or of any offense substantially related to the qualifications,
27 functions, and duties of a registered nurse, in which event the record of the conviction shall be
28 conclusive evidence thereof.”

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1 “(c) Theft, dishonesty, fraud, or deceit.”

2 **COST RECOVERY**

3 10. Section 125.3 provides, in pertinent part, that the Board may request the
4 administrative law judge to direct a licensee found to have committed a violation or violations of
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
6 enforcement of the case.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Conviction of a Substantially-Related Crime)**

9 11. Respondent is subject to disciplinary action under section 2761, subdivision (f) and
10 section 2762, subdivision (c), and 490, as defined in California Code of Regulations, title 16,
11 section 1444, in that Respondent has been convicted of a crime substantially related to the
12 qualifications, functions or duties of a registered nurse, as follows:

13 a. On or about February 9, 2009, Respondent was convicted of one count of violating
14 Vehicle Code section 23152, subdivision (b) [driving while having 0.08% and more, by weight,
15 of alcohol in her blood], a misdemeanor, in the criminal proceeding *The People of the State of*
16 *California v. Joni Lynn Loomis* (Los Angeles County Superior Court Case No. 8PS02452). The
17 circumstances surrounding the conviction are that on or about May 22, 2008, Pasadena Police
18 arrested Respondent after being notified by local elementary school officials that Respondent had
19 driven away from the school apparently intoxicated. Police followed the suspect to her home
20 where they saw her exit her car. Respondent was subsequently given an alcohol breath test which
21 indicated blood alcohol levels of .26% and .24%.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Dangerous Use of Alcohol and/or Drugs)**

24 12. Respondent is subject to disciplinary action under section 2762, subdivisions (a), (b),
25 and (c), in that Respondent used alcoholic beverages and/or drugs to an extent or in a manner
26 dangerous or injurious to herself, and the public. Respondent drove a vehicle while having 0.08%
27 and more, by weight, of alcohol in her blood. Complainant refers to, and by this reference
28 incorporates, the allegations set forth above in paragraph 11, subparagraph (a), inclusive, as

1 though set forth fully.

2 **THIRD CAUSE FOR DISCIPLINE**

3 **(Conviction Involving the Consumption of Alcohol and/or Drugs)**

4 13. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and
5 (f), as defined in section 2762, subdivisions (b) and (c), in that on or about February 9, 2009;
6 Respondent was convicted of a crime involving the consumption of alcohol and/or drugs.
7 Complainant refers to, and by this reference incorporates, the allegations set forth above in
8 paragraph 11, subparagraph (a), inclusive, as though set forth fully.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(An Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

11 14. Respondent is subject to disciplinary action under California Code of Regulations,
12 title 16, section 1444, subdivision (c), in that Respondent was convicted of a crime that involved
13 an act of moral turpitude, and corruption when she violated Vehicle Code section 23152,
14 subdivision (b) [driving while having 0.08% and more, by weight, of alcohol in her blood].
15 Complainant refers to, and by this reference incorporates, the allegations set forth above in
16 paragraph 11, subparagraph (a), inclusive, as though set forth fully.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **(Acts Violating the Nursing Practice Act/Unprofessional Conduct)**

19 15. Respondent is subject to disciplinary action under section 2750, subdivisions (a) and
20 (d), in that Respondent was convicted of a crime that involved an act of unprofessional conduct
21 violating the Nursing Practice Act. Complainant refers to, and by this reference incorporates, the
22 allegations set forth above in paragraph 11, subparagraph (a), inclusive, as though set forth fully.

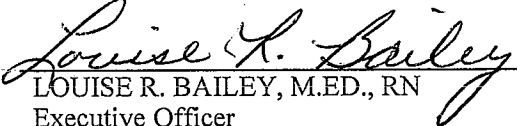
23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board issue a decision:

26 1. Revoking or suspending Registered Nurse License No. 393640, issued to Joni Lynn
27 Loomis aka Joni Wishon aka Joni Saylor;

28 2. Ordering Joni Lynn Loomis to pay the Board the reasonable costs of the investigation

1 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
2 3. Taking such other and further action as deemed necessary and proper.

3 Dated: 2/7/11 
4 LOUISE R. BAILEY, M.ED., RN
5 Executive Officer
6 Board of Registered Nursing
7 Department of Consumer Affairs
8 State of California
9 Complainant

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